

**OPINION
46-197**

July 2, 1946 (OPINION)

NEWSPAPERS

**RE: Legal Suspended During War - Becomes Legal Newspaper Thirty Days
 After Resuming Publication**

This is to acknowledge receipt of your letter of June 28, 1946,
addressed to the attorney general.

You inquire as to whether or not a newspaper which suspended during
the war would thereby lose its legal standing.

Section 46-0501 of the North Dakota Revised Code provides, among
other things, "that any newspaper which suspended publication during
the present war, but which shall resume publication within six months
after the close of the war shall be eligible for publication of legal
publications after the expiration of thirty days from the resumption
of such publication, if the resumption of publication shall be in the
county in which such publication was suspended".

Under the provisions of the statute quoted, if the newspaper to which
you refer was duly qualified as a legal newspaper before its
suspension, it would become legally qualified to publish legal
publications after the expiration of thirty days after resumption of
publication.

You also inquire whether a paper that discontinues publication for
two or three weeks without any issue loses its legal standing.

In reply to this question, I beg to advise that if the suspension of
publication was due to the war then what I have said with reference
to that situation would apply. However, if a newspaper misses two or
three or more weeks, it would thereby lose its standing as a
newspaper for the publication of legal publications. Subsection 1 of
the section just quoted provides that in order to be qualified for
legal publications a newspaper must have been established in regular
and continuous circulation at least one year.

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